IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7827 of 1999

Between:

K. Sreenivasa Reddy, s/o. Venkata Reddy, Asst Executive Engineer,
Nizam Institute of Medical Sciences, (NIMS),
Panjagutta, Hyderabad.

..... PETITIONER

AND

1 The Nizam Institute of Medical Sciences Executive Board,

Rep by its Member/Director, NIMS,
Panjagutta, Hyderabad.
2 The Executive Registrar, Nizam Institute of Medical Sciences (NIMS),
Panjagutta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pleased to pass orders, particularly one in the nature of writ of Mandamus, declaring the orders of the 1st Respondent in Rc.No.6/7/97-H2, dt.17-9-1998, and its consequential order in Rc.No. 6/7/97-H2, dt.20-2-1999, as arbitrary, illegal violative of Articles 14, 21 and 311 of the Constitution of India, and contrary to Rule 10 of the NIMS Service Rules, and Rule 1 of Service (Pay and increments) Rules, and consequently quash the same, and direct the respondents to count the petitioner's service and fix and pay from the date of appointment as per the NIMS Service Rules.

Counsel for the Petitioner: MR.KASAJAGANMOHAN REDDY

Counsel for the Respondents: MR.V.V.PRABHAKAR RAO

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the orders of the first respondent in Rc.No.6/7/97-H2, dated 17.09.1998, and the consequential order in Rc.No.6/7/97-H2, dated 20.02.1999, as arbitrary, illegal and violative of Articles-14 and 21 of the Constitution of India and consequently, to direct the respondents to count the services of the petitioner for fixing the pay from the date of his appointment as per the Nizam Institute of Medical Sciences Service Rules.

It is the case of the petitioner that he was appointed as Junior Executive Engineer with effect from 12.04.1991 with the respondent-institute. His services in the cadre of the Junior Executive Engineer were also regularised with effect from 12.04.1992, but he was not put on the regular time scale attached to the Junior Executive Engineer (which was re-designated as Assistant Executive Engineer) with effect from 12.04.1991 instead he was put on the time scale applicable to the Supervisor cadre i.e., Rs.2750- 5750. However, when the petitioner made a representation, the matter was referred to the Anomalies Committee and on the recommendations made by it, the petitioner was put on the time scale attached to the post of Junior Executive Engineer/Assistant Executive Engineer i.e., in the time scale of Rs.3110-6380 with effect from 01.01.1994. In fact, the petitioner has been discharging the duties of the Junior Executive Engineer/Assistant Executive Engineer with effect from 12.04.1991 and he is entitled to draw salary on par with the other Junior Executive Engineers/Assistant Executive Engineers in the institute.

It is asserted by the learned counsel for the petitioner that the petitioner is also entitled to be put on the time scale of Rs.3110-6380 right from the date of his appointment i.e., 12.04.1991 on par with the other Junior Executive Engineers/Assistant Executive Engineers in the institute. Further, the learned counsel asserts that two other

Junior Executive Engineers/Assistant Executive Engineers, who are working in the institute are being put on the time scale of Rs.3110-6380 from their date of appointment and as on the date of appointment of the petitioner, the said time scale was available. Therefore, the petitioner is also entitled to be put on the time scale of Rs.3110-6380 right from the date of his appointment i.e., 12.04.1991.

Be that as it may, without expressing any opinion on the merits of the case, the petitioner is directed to make a detailed representation to the respondents in this regard within a period of four weeks from the date of a receipt of a copy of this order and on such representation being filed, the respondents are directed to entertain, reconsider and dispose of the matter as per law within a period of three months from the date of making such representation.

With the above directions, the writ petition is disposed of. No order as to costs.

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(C.V.RAMULU, J)

12.07.2005

DR

To

1 The Member/Director, Nizam Institute of Medical

Sciences Executive Board,

Panjagutta, Hyderabad.

2 The Executive Registrar, Nizam Institute of Medical Sciences (NIMS), Panjagutta, Hyderabad.

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